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REMARKS

After entry of this amendment, claims 1-7, 10-15, and 18-24 are pending in the application. Claims 19-24 have been added. Claims 1 and 11 have been amended. Claims 8-9 and 16-17 have been cancelled without prejudice. Reconsideration of the application as amended is requested.

In the office action dated August 13, 2002, claims 1-8, 10-16, and 18 stand rejected under 35 U.S.C. §102 as being anticipated by WO98/23868. It is submitted that WO98/23868 does not anticipate, teach or suggest the invention as now recited in amended claims 1-7, 10-15, and 18-24. The WO98/23868 reference teaches a microvalve having a piezoelectric actuator 10 connected to a valve body including tappet 14, flexible suspension webs 12, and end portions 16, 20. The piezoelectric actuator 10 is mounted along a peripheral sidewall to the end portions 16, 20 adjacent the longitudinal ends. The valve body does not define a support structure with first and second opposing actuator-support surfaces facing one another and/or the valve body does not define a support structure with an at least substantially enclosed periphery surrounding the piezoelectric actuator as recited more specifically in the amended claims. Reconsideration of the Examiner's rejection is requested.

Claims 19-24 have been added in this amendment. It is submitted that the new claims are patentable over the prior art of record. The Examiner's consideration of new claims 19-24 is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

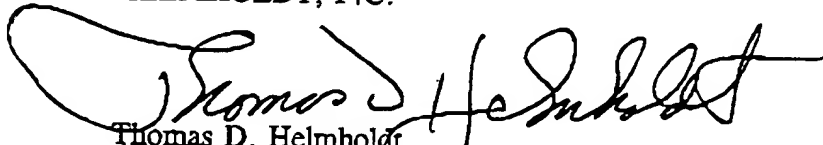
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If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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TDH/th

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Specification:**

Page 1, lines 3-6, please replace the paragraph with the following:

This application claims the benefit of U.S. Provisional Application No. 60/198,056, filed April 18, 2000, and U.S. Provisional Application No. 60/220,542, filed July 25, 2000. This application is related to U.S. Patent Application Serial No. 09/771,533 filed on January 29, 2001.

In the claims:

1. (Amended) An apparatus for use in an application including at least one of clamping and valving, the apparatus comprising:

a support structure defining an at least substantially enclosed periphery of a support member, the support structure defining first and second inwardly directed opposing support surfaces facing one another; and

actuator means located within the at least substantially enclosed periphery of the support member and operably positionable between the first and second inwardly directed opposing support surfaces for [operating] moving the support structure between a rest position and an actuated position in response to an excitation of the actuator means.

Please cancel claims 8 and 9 without prejudice.

11. (Amended) In an apparatus for use in an application including at least one of clamping and valving having a support structure and piezoelectric actuator, the improvement comprising:

the support structure being a single piece of material having shape memory with a high modulus of elasticity and high strength, the support structure defining first and second opposing actuator-support surfaces facing one another and spaced apart from one another, the piezoelectric actuator operably positionable with opposite longitudinal ends engageable with the first and second opposing actuator-support surfaces for driving the support structure between a rest

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position and an actuated position in response to excitation of the piezoelectric actuator.

Please cancel claims 16 and 17 without prejudice.

New claims 19-24 have been added.

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